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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,006	11/22/2003	Erin Ann Esparza	JER-2061	5658

7590 06/29/2005
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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,006

Applicant(s)

ESPARZA ET AL

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: the phrase "said at least one at least one indicia indicating" should read "said at least one indicia indicating. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear if the "roof portion" is the same as the "roof portion" recited in claim 6. The examiner will consider favorably the phrase "said roof portion."

In claim 13, it is unclear if the "new driver presence indicator", "new driver status indicator", and "new driver proficiency indicator" are the same as the new driver presence indicator, new driver status indicator, and new driver proficiency indicator recited in claim 12, lines 8-9.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 12-16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Student Driver Magnetic Sign Basic Instruction Pack, www.allgooddrivers.com. 11/9/2003. Student Driver Magnetic Sign. Student

Driver teaches a three magnetic signs for attachment to the rear and side doors of a vehicle. The sign inform surrounding drivers that your child is learning to drive. The sign is removeably attached to the vehicle.

3. The examiner considers the indicia on the sign to correspond to the “new driver presence”, “new driver status” and “new driver proficiency” indicators.

4. Claims 1-6, 9-11, 19, 14-16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodwin et al., U. S. Patent Application Publication 2004/0074122. Goodwin teaches a permit driver/young driver warning apparatus comprising a trapezoidal shaped housing 16 made of reflective plastic material adapted to be mounted on the roof of a vehicle. (Paragraph 0033) The housing can be illuminated by incandescent lamps, LED, or fluorescent lamps mounted inside the housing. (Paragraph 0035) Goodwin also teaches that the sign readily removed from the roof, stored and used when required. (Paragraph 0037).

5. With respect to claim 19, Goodwin teaches that a driver can enroll in a driver's education program (sponsoring organization), drive a vehicle provided by the program with signage indicating “Student Driver” with a certified driver's education instructor present in the vehicle.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton, U. S. Design Patent 433,457 in view of Olson, Jr., U. S. Patent 6,367,182. Linton teaches a vehicle safety sign comprising planar car shaped sign member with the "STUDENT DRIVER" on the front surface and a plurality of suction cup. Olson teaches attaching a sign 10 to the inside of a vehicle using suction cups. It would have been obvious to one having ordinary skill in the art at the time this invention was made to mount the sign taught by Linton to the inside window of a vehicle as taught by Olson to provide a means to convey a message to view on the outside of the vehicle and means to protect the sign a damage.

Allowable Subject Matter

8. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The follow U. S. Patent Document are cited to show vehicle signs: Perry – D501,892; Sophocleous et al.– 5,893,226; Smith – 2004/0103571; Hottenstein – 6,449,889.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
June 24, 2005